

REMARKS

Claim 1 has been amended to include the subject matter of former dependent claim 4.

Claim 4 was rejected under Section 103 over the combination of Daniels in view of Goldwasser. With respect to claim 4, it was suggested that Daniels disclosed all of the claimed limitations except for enabling a portion of the audio stream to be retrieved shifted by a time delay and when the time delay falls below a predetermined threshold enabling the retrieving of a portion of the audio stream from the storage unit to be discontinued.

It is suggested that Goldwasser teaches fast forwarding. But fast forwarding does not meet the claimed limitations. In fast forwarding, all you do is fast forward across the data. There is no enabling the audio stream to be retrieved shifted by a time delay and no enabling the retrieving of the portion from the audio stream from the storage unit to be discontinued when the time delay falls below the predetermined threshold. In Goldwasser, what is a predetermined threshold, what is the time delay, and when is retrieving discontinued? All that fast forward does is allow a user to simply jump ahead under user control.

The claimed invention enables a system wherein, for example, if the user pauses the audio playback and goes away and wants to come back and wants to watch the recorded information that he missed, but wishes to catch up to the ongoing live broadcast, in one embodiment, he can do so. No such feature is anywhere suggested in either cited reference or their combination.

Claim 12 has been amended to include the subject matter of dependent claim 17. Dependent claim 17 was rejected for the same reason as claim 12. Claim 12 was rejected as obvious over Daniels taken alone. Claim 17 is also rejected on the same basis that claim 6 was rejected. Claim 6 was rejected based on Daniels in view of Goldwasser. Thus, the rejection is somewhat unclear. Moreover, it is suggested that claim 6 is rejected on the same basis as claim 4. The rejection is not understood because none of these cited claims have the limitations set forth in claim 17. It is respectfully submitted that there is no addressing of the limitation of claim 17 and, therefore, a *prima facie* rejection is not made out.

Therefore, reconsideration is respectfully requested.

Claim 23 has been amended to include the subject matter of claim 29. Claim 29 was rejected on the same basis as claim 4, but claim 29 clearly includes limitations nowhere included in claim 4. There is no catching up with the ongoing recording of the audio stream in either cited reference as described above.

Therefore, reconsideration of the rejection of claim 23 is respectfully requested.

Respectfully submitted,

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